UNITED
NATIONS

EP

Governing Council
of the United Nations
Environment Programme

Distr.
GENERAL

UNEP/UNEP/GC.20/6
10 November 1998

ORIGINAL: ENGLISH

Twentieth session
Nairobi, 1 - 5 February 1999
Item 4 (c) of the provisional agenda*

POLICY ISSUES
COORDINATION AND COOPERATION WITHIN AND OUTSIDE THE UNITED NATIONS, INCLUDING NON-GOVERNMENTAL ORGANIZATIONS

Policy and advisory services the of United Nations Environment Programme in key areas of institution-building

Report of the Executive Director

Summary

This report briefly presents a set of activities of the secretariat of the United Nations Environment Programme (UNEP) in providing Governments and other relevant institutions with policy and advisory services, in particular technical, legal and policy advice, in key areas of institution-building. The provision of such services was identified in the Nairobi Declaration on the Role and Mandate of UNEP as one of the core elements of the focused mandate of the revitalized UNEP. Reference has been made to recent activities and possible future activities of the secretariat which highlight such services. By this document, the Executive Director seeks guidance from the Governing Council on possible directions for the future activities of the secretariat in the area of institution-building.

Suggested action by the Governing Council

The Council may wish to:

(a) Request the Executive Director to strengthen the secretariat to provide policy and advisory services, in particular technical, legal and policy advice, in key areas of institution-building to Governments and regional and subregional institutions dealing with environmental matters,

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* UNEP/GC.20/1.

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with particular attention to the areas of concentration listed in paragraph 2 of Governing Council decision SS.V/2, 1/ in such a way as to improve access by the public to information on environmental matters and environmental policy instruments;

(b) Underscore that it is essential in institution-building aiming at sustainable development to enhance access to environmental information held by public authorities and participation by all relevant sectors of society, including the public, in the environmental decision-making process, in accordance with relevant legislation or arrangements, and urge Governments to take steps in that direction;

(c) Recognize the importance of establishing, and urge Governments to establish, at the national level, judicial and administrative procedures for legal redress and remedy for actions affecting the environment that may be unlawful or infringe on rights under the law, providing access to individuals, groups and organizations with a recognized legal interest, and providing affected individuals and groups with access to such judicial and administrative procedures;

(d) Request the Executive Director to strengthen cooperation with Governments, other relevant organizations and entities, including the secretariats of international environmental conventions, in activities related to policy and advisory services in key areas of institution-building in order to ensure that such services are provided to Governments and relevant institutions in a coherent and coordinated manner in order to avoid duplication of efforts and economize on scarce resources.

I. OVERVIEW

1. There is a need for institution-building, at both national and international levels, in order to further integrate environment and development so as to achieve sustainable development.

2. Currently, many developing countries and countries with economies in transition still do not have adequate institutional capabilities which enable them to formulate and effectively implement policies and instruments aiming at sustainable development. Hence the compelling need for them to develop such capabilities.

3. There is also a need to enhance international institutional arrangements in order to assist Governments in developing national

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1/ These are: (a) Environmental information, assessment and research, including environmental emergency response capacity and strengthening of the early warning and assessment functions of the United Nations Environment Programme; (b) enhanced coordination of environmental conventions and development of environmental policy instruments; (c) freshwater; (d) technology transfer and industry; and (e) support to Africa.

institutional capabilities, to provide them with ways and means to undertake collective action to address transboundary environmental issues, and to enable them to comply with their obligations under international environmental agreements.

4. UNEP, as the principal United Nations body in the field of the environment, must play an active role in catalysing and stimulating a process of such institution-building at all levels to ensure the effective delivery of services and application of resources.

5. Various UNEP activities contain elements of policy and advisory services contributing to institution-building in countries. Those activities include:

(a) Advisory services on scientific and technical matters to assess environmental problems, identify realistic responses and develop and enhance national policies dealing with those problems, and provision of scientific and technical information on the environment and environmental assessment and management;

(b) Legal advisory services to develop, facilitate and/or strengthen national environmental legislation and institutions;

(c) Provision of information concerning legal, economic and policy instruments and tools, including guidance materials, as well as provision of access to such information;

(d) Convening of forums for policy dialogue, such as consensus-building workshops and training seminars for officials and stakeholders, as well as the transfer of skills and knowledge on selected environmental issues to clarify policy options and facilitate information exchange in order to help Governments make informed decisions.

6. In addition to policy and advisory services for individual countries, UNEP facilitates institution-building at the regional and global levels through the organization of intergovernmental meetings, the promotion of intergovernmental policy dialogue, and its involvement in institutional arrangements related to binding and non-binding legal instruments, action plans and programmes decided on by the Governing Council or agreed by Governments. Such international institution-building is also facilitated through the creation of networks among Governments and other entities for the exchange of environmental information.

II. ACTIVITIES IN THE AREAS OF CONCENTRATION RELATED TO INSTITUTION-BUILDING

7. Recent or planned secretariat activities related to institution-building may be found in all areas in which UNEP is involved, and are in particular highlighted against the areas of concentration identified in Council decision SS.V/2.

Environmental information, assessment and research, including environmental emergency response capacity and early warning and assessment functions

8. UNEP has continued to collect, organize and disseminate environmental information and undertake environmental assessment through its programmatic activities and networks. On the basis of a review of those activities, UNEP will spearhead the development of an environmental assessment strategy for the coming decade to guide its assessment activities and those of the United Nations system.

9. The report on the state of the global environment, issued by UNEP as a Global Environment Outlook since 1997, provides an effective tool for environmental decision-making. The second edition will be issued in 1999. The process of preparation of the Global Environment Outlook requires a series of regional and global consultations among UNEP, Governments, relevant organizations and individual environmental experts and institutions, thereby stimulating assessment of environmental trends and policy responses at the national, regional and global levels. Advice will be provided on the formulation of national environmental reports on priority issues.

10. Overall, UNEP's services in providing environmental information and assessment provide an effective link between the scientific community and policy makers, thus providing a scientific basis for institution-building.

11. With regard to environmental emergencies, UNEP will continue to provide expertise and play a catalytic role in the international response to forest fires. Strengthening of UNEP's capacity to provide early warning information on environmental threats will be essential for it to play a catalytic role in preventing and mitigating damage caused by environmental disasters.

Enhanced coordination of environmental conventions and development of environmental policy instruments

12. Within the framework of efforts to implement Agenda 21, the development of coherent interlinkages among existing international environmental conventions was identified in the Nairobi Declaration as one of UNEP's priorities. While UNEP has been carrying out various activities relevant to such conventions, more joint thematic programming will be pursued, taking full account of decisions of the Governing Council and the Conferences of the Parties to the conventions. In particular, through institution-building at the national level, UNEP will contribute to enhancing coherent interlinkages among the conventions and UNEP's activities.

13. UNEP's substantive support for global and regional conventions is founded on its scientific and technical expertise translated into information, monitoring and assessment, which need to be strengthened substantively and urgently for this purpose. UNEP will build its capacity and its networks in order to ensure the scientific underpinning of conventions to respond to their requests for specialized analysis and technological assessments, and to facilitate their implementation.

14. UNEP has been providing advisory services to Governments in developing their national environmental policies, legislation and institutional arrangements which directly or indirectly contribute to enhancing the

implementation of environmental conventions. Such services have been provided to countries in Africa, Asia (including East, South-East, South and West Asia) and the Pacific, Eastern and Central Europe and Latin America and the Caribbean. The regional offices of UNEP play an important role in promoting awareness of the needs and priorities of countries and the regional delivery of UNEP's policy and advisory services.

15. At the international level, such services are provided through efforts to catalyse the development of regional and global legally binding instruments, guidelines and other non-binding instruments, and regional and global action programmes and plans. After the conclusion of such instruments, UNEP provides further assistance, upon request, to Governments and parties in the implementation of those instruments and the agreed international norms and policies they contain. It carries out training programmes at the national, regional and global levels to enhance the ability of officials and stakeholders to implement them. The involvement of a wider range of actors at all levels, including the public, is becoming a crucial factor.

16. With a view to furthering the integration of environmental considerations into development planning and decision-making processes, UNEP will continue to promote policy tools and instruments concerning environmental assessment as well as economic and other incentive measures. It will also continue to provide environmental policy options addressing national and international trade policies and the operation of financial institutions.

Freshwater

17. In the field of freshwater, UNEP's policy and advisory services contributing to institution-building include activities in environmental information and assessment, development of policy tools and instruments, promotion of greater awareness and facilitating effective cooperation among various sectors of society. Ongoing UNEP activities are directed to providing relevant information in a form that is readily understood and used by decision-makers, in order to enable them to identify emerging water-related environmental problems and to provide guidance on water-related technologies that exist in different regions of the world.

18. Integrated management of water and river basins and integrated water assessment are proposed for action during the biennium 2000-2001. Also proposed are activities to test the practical application of "fair share" water strategies in subregions, and developed methodologies for integrated water assessment strategies. Development of policy tools and mechanisms to prevent disputes in the management of freshwater resources is also planned.

Technology transfer and industry

19. In this area, UNEP has been providing advice on policy options and raising awareness on emerging issues. These include further promotion of cleaner production, provision of clearing-house functions on ozone-depleting substances, and preparation of policy guidance materials for developing countries concerning the phase-out of ozone-depleting substances, and concerning sustainable tourism. Relevant technical assistance and training

activities are also provided. UNEP will continue to promote environmental norms, principles and agreements among relevant industries.

20. In the field of chemicals, international institution-building will be stimulated by means of a focus on the earliest possible implementation, in developing countries and countries with economies in transition, of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and support for the negotiation of an international legally binding instrument for international action to deal with certain persistent organic pollutants, further promotion of the Code of Ethics on the International Trade in Chemicals, and progressive implementation of the Montreal Protocol on Substances that Deplete the Ozone Layer.

Support to Africa

21. Africa is a region that is receiving increasing attention from the United Nations system, mainly in socio-economic and sustainable development programmes. UNEP will play its part with a focus on environmental management, including the areas in which UNEP has been active in Africa, such as: the development of legal instruments; organization of regional and subregional meetings on environmental matters; and provision of information, expert advice and technical assistance in the management of key sectoral environmental issues, such as freshwater, biological diversity, desertification and drought, and coastal zone management.

III. GAPS

22. In recent years, only limited funds have been available from the Environment Fund for the secretariat to provide policy and advisory services for institution-building. Such activities as were undertaken were funded by either counterpart contributions or trust funds in the context of capacity-building activities. Some of them were carried out through projects funded by the Global Environment Facility. In order to enable the secretariat to catalyse and stimulate institution-building in a strategic and systematic manner, an increased level of financial resources to the Environment Fund is desirable.

23. Coherent and cost-effective institution-building requires coordination at various levels and the involvement of all stakeholders. At the national level, it will be necessary to broaden the range of actors who share the tasks of environmental protection and management. This may require enhancement of participation by various actors in environmental decision-making, and for that purpose, improved access to environmental information may also be required. At the international level, there is a compelling need for enhancing coherence and efficiency in the activities carried out by various entities through the improved coordination of international action.

24. At the national level, there is a need for Governments and legislatures to establish or enhance judicial and administrative procedures for legal redress and remedy for actions affecting the environment that may be unlawful or infringe on rights under the law, and to provide access to individuals,

groups or organizations with a recognized legal interest. Access should be provided to effective judicial and administrative channels for affected individuals and groups to ensure that all authorities remain accountable for their actions in accordance with their obligations, taking into account the judicial and administrative systems of the country concerned.

25. While institutions need to be supplemented with skilled human resources for their operation, many developing countries and countries with economies in transition do not have adequate expert human resources or financial resources to train the human resources available. Institution-building and human resource development need to be pursued simultaneously and to be mutually reinforced.

IV. A WAY FORWARD

26. UNEP should be in a position to provide policy and advisory services, in selected areas of focus, to Governments and other relevant institutions for establishing national and international institutional arrangements to deal with the environmental challenges of the next century. The suggested action by the Governing Council represents a strategic direction for UNEP in providing such services. With limited resources available to it, UNEP needs to resort to innovative approaches that enable it to strengthen its basis for providing policy and advisory services in key areas of institution-building.

27. To effectively carry out this function, the UNEP regional offices should be strengthened to increase their sensitivity and responsiveness to the particular needs of each region and Government, including in their relationship with non-governmental organizations and other private-sector parties. It will also join forces with the secretariats of international environmental conventions in activities related to policy and advisory services in key areas of institution-building, in order to ensure that such services are provided to Governments and relevant institutions in a coherent and mutually supportive manner, avoiding duplication.